

House Study Bill 230 - Introduced

HOUSE CONCURRENT RESOLUTION NO. _____

BY (PROPOSED COMMITTEE ON JUDICIARY RESOLUTION BY
CHAIRPERSON ANDERSON)

1 A Concurrent Resolution to urge the members of
2 the Congress of the United States to propose a
3 parental rights amendment to the Constitution of
4 the United States for submission to the states for
5 ratification.

6 WHEREAS, the right of parents to direct the
7 upbringing and education of their children is a
8 fundamental right implicitly protected by the
9 Constitution of the United States and the Constitution
10 of the State of Iowa; and

11 WHEREAS, this nation has historically relied first
12 and foremost on parents to meet the real and constant
13 needs of children; and

14 WHEREAS, the interests of children are best served
15 when parents are free to make childrearing decisions
16 about education, religion, and other areas of a child's
17 life without government interference; and

18 WHEREAS, the Supreme Court of the United States
19 in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), concluded
20 that, "This primary role of the parents in the
21 upbringing of their children is now established beyond
22 debate as an enduring American tradition"; and

23 WHEREAS, however, the Supreme Court of the United
24 States in *Troxel v. Granville*, 530 U.S. 57 (2000),
25 expressed six different opinions on the nature
26 and enforceability of parental rights under the
27 Constitution of the United States, creating some

1 ambiguity about the nature of parental rights in
2 the laws and society of the states of the United
3 States; and

4 WHEREAS, international conventions and treaties
5 have been proposed and may soon be considered for
6 ratification by the United States Senate, which would
7 alter the fundamental right of parents to direct the
8 upbringing of their children; and

9 WHEREAS, the United States Supreme Court has noted
10 that the laws of other countries and international
11 authorities are instructive for its interpretation of
12 the Constitution of the United States; and

13 WHEREAS, a proposed amendment to the Constitution
14 of the United States has been introduced in the United
15 State Congress to prevent erosion of the enduring
16 American tradition of treating the following parental
17 rights as fundamental rights:

18 SECTION ONE: The liberty of parents to direct
19 the upbringing and education of their children is a
20 fundamental right.

21 SECTION TWO: Neither the United States nor
22 any State shall infringe upon this right without
23 demonstrating that its governmental interest as applied
24 to the person is of the highest order and not otherwise
25 served.

26 SECTION THREE: No treaty may be adopted nor
27 shall any source of international law be employed to
28 supersede, modify, interpret, or apply to the rights
29 guaranteed by this article; and

30 WHEREAS, this amendment would protect the rights

1 of parents as they are now enjoyed, without requiring
2 substantive change to current state or federal laws
3 respecting those rights; and

4 WHEREAS, enumerating parental rights in the
5 Constitution of the United States will preserve
6 parental rights from infringement by international
7 convention, treaty, or law; NOW THEREFORE,

8 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
9 THE SENATE CONCURRING, That the Iowa General Assembly
10 affirms the rights of parents as enumerated in the
11 proposed parental rights amendment to the Constitution
12 of the United States; and

13 BE IT FURTHER RESOLVED, That the Iowa General
14 Assembly urges the members of the United States Senate
15 and the United States House of Representatives from
16 this state to support the proposed parental rights
17 amendment in their respective chambers; and

18 BE IT FURTHER RESOLVED, That the Iowa General
19 Assembly urges the members of the Congress of
20 the United States to propose the parental rights
21 amendment to the states of the United States for
22 ratification; and

23 BE IT FURTHER RESOLVED, That upon passage of
24 this resolution, the Chief Clerk of the House of
25 Representatives shall transmit copies of this
26 resolution to the President and members of the United
27 States Senate, the Speaker and members of the United
28 States House of Representatives, and to the clerk of
29 each of the legislative chambers of the other states.